



Application No.: 09/622,696
Attorney Docket No.: 051480-5016
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Stephan BOLZ

Application No.: 09/622,696

Filed: November 1, 2000

For: **CONTROL SYSTEM FOR AN
INTERNAL COMBUSTION ENGINE**

Confirmation No.: 8807

Group Art Unit: 3747

Examiner: Dolinar, A.

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NDB 6-30-03

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REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 1.111

Sir:

In response to the non-final Office Action dated March 26, 2003 (Paper No. 19), the period for reply extends through June 26, 2003, Applicant submits the present Application for reconsideration in view of the following remarks.

The Office Action dated March 26, 2003 has been reviewed, and the comments of the U.S. Patent Office have been considered. Accordingly, Applicant respectfully requests reconsideration of claims 17-29.

Claims 17, 20, 21, and 23-29 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,869,744 to Suzuki et al. ("Suzuki") in view of U.S. Patent No. 4,963,246 to Nakajima et al. ("Nakajima"). Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suzuki in view of Nakajima, and further in view of U.S. Patent No. 4,668,873 to Obha et al. Claim 19 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suzuki in view of Nakajima, and further in view of U.S. Patent No. 5,161,087 to Franken et al. Claim 22 stands rejected under 35 U.S.C. § 103(a) as allegedly

being unpatentable over Suzuki in view of Nakajima, and further in view of US. Patent No. 5,024,534 to Matsubara et al.

Applicant respectfully traverses these rejections because the Office Action fails to establish a *prima facie* case of obviousness, and even if the relied-upon references can be combined, the combination fails to teach or suggest features of the claimed invention as a whole.

Independent claim 17 recites a control system including an interface being a plug connector in the housing of which the evaluating unit is integrated.

The Office Action states that Suzuki shows a control device 25 providing an interface with sensor 17 and includes a control block 69 for digitization of data to be transmitted to an electronic control unit 5. Suzuki, however, fails to show or describe a plug connector in the housing of which the evaluating unit is integrated. The Office Action relies upon the teachings of Nakajima in an attempt to cure the deficiencies of Suzuki so as to reach the claimed invention as a whole, as recited in claim 17. Nakajima, however, fails to cure the deficiencies identified in Suzuki above.

Nakajima in FIG. 3 shows a coupler 100 with a portion 100a on the sensor 1 side and a second portion 100b on the electronic control unit (ECU) 4 side. Both portions 100a, 100b are connected to establish an electrical connection. The coupler 100 provides an electrical connection and does not include structures to digitize the data from sensor 1 for transmission to ECU 4. Instead, Nakajima shows in FIG. 2 that the ECU 4 includes a pair of analog-to-digital (A/D) converters 401,406 (col. 9, lines 41-53). That is, Nakajima specifically provides A/D converters separate from the housing of coupler 100. Applicant respectfully submits that one having ordinary skill in the art would not be motivated to modify Suzuki in view of Nakajima because Nakajima specifically provides structure for digitizing data separate from the housing of coupler 100. Moreover, MPEP § 2143 states that in order to make a *prima facie* case of obviousness, the combination of relied-upon references must teach or suggest all of the features recited in a claim. The combination of Suzuki and Nakajima fails to teach or suggest at least the feature of “the interface is a plug connector in the housing of which the evaluating unit is integrated.” Accordingly, a *prima facie* case of obviousness has not been established by the Office Action.

Further, assuming *arguendo* Suzuki could be modified as proposed by the Office Action, Applicant respectfully submits that a modification of Suzuki with the coupler 100 of Nakajima could render Suzuki unsatisfactory for its intended purpose. That is, if the control device 25 of Suzuki were modified by the teachings of Nakajima regarding coupler 100, then the oxygen concentration-detecting device of Suzuki would not be able to transmit "digitized" data from the plug connector to the electronic control unit 5. MPEP § 2143.01 also states if a proposed modification renders the invention disclosed in the reference unsatisfactory for its intended purpose, then there is no suggestion or motivation to combine references. Accordingly, there is no motivation or suggestion provided in the relied-upon references to modify Suzuki with the teaching regarding coupler 100 of Nakajima. Therefore, claim 17 is allowable over the combination of relied-upon references to Suzuki and Nakajima, either singularly or in combination thereof.

Claims 18-29, which depend ultimately from allowable claim 17, are allowable for at least the same reasons as claim 17, as well as for reciting additional features. Therefore, claims 17-29 are in condition for allowance.

CONCLUSION

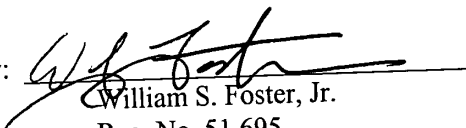
In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and prompt allowance of claims 17-29. Applicant invites the Examiner to contact Applicant's undersigned representative if there are any issues that can be resolved via telephone conference.

EXCEPT for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

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Date: June 26, 2003

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